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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/876,550

Applicant(s)

DEAVILA, PERICLES

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25-41 and 109-153 is/are pending in the application.
- 4a) Of the above claim(s) 40 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-39 and 109-153 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Status of Application**

1. Applicant's amendment has been entered in the application. Claims 1-23, 25-41 and 109-153 are pending, with claims 40 and 41 being withdrawn from consideration, claims 109-153 having been added after applicant's revival of this previously abandoned application.

### **Claim Rejections - 35 USC 102**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 5, 21, 22, 25, 26, 31, 109, 110, 119, 120, 124, 125, 137 are rejected under 35 U.S.C. 102(b) as being anticipated by Pool (US 5,702,115). Pool teaches a self-contained cart for carrying health and safety items, having a shell with a base (12), a top (90), a plurality of vertical walls (44) having flat sides suitable for display purposes, a plurality of horizontal walls (30, 50, etc.); movable divider elements (72, 74) a pivotable table (32), a plurality of doors (24, 48) which are connected to the cart with piano hinges and may be easily removed, for example, by the disengagement of the hinge or hinge pin (an element inherent for the function of a piano hinge) and which, when open, allow a user to determine what is stored in the cart, a water supply (62), a waste water disposal tank (60), both of which tanks having a degree of flexibility, the supply connected to a spigot (58) which is positioned above- and which supplies water to- a sink (52) positioned in a recess (at 50) formed within at least one, if not more, wall(s) (in this case, at least 42, 44, 46), with the supply and waste tanks positioned in a lower recess (see fig 3), the sink connected to the waste tank with tubing (figure 3), the cart taught to be constructable out of a plastic (col. 7, lines 23-24), a plurality of caster wheels (14), at least two of which are capable of being moved to an infinite number of positions, and handles (28a, 48a) which allow a user to manipulate the cart, and which would additionally allow a user to carry or tilt the cart, the cart further containing a battery power supply (68), plurality of pumps (64) in fluid connection with a plurality of fluid sources including the water source (62), at least a heater (col. 5, lines 43-46) for heating a supply of water, further pumps (64) being arranged for the distribution

(through further spigots 58) of lotion and soap, the cart further containing a cup dispenser (92), and being capable of carrying a radio communications device (102).

As regards claims 124 and 125, to the breadth of the recitation, the doors can be used as a stretcher to support a person, or a table if removed from the cart, to the breadth claimed and indeed there is no disclosure in Pool which limits the doors from performing such functions.

As regards claims 152 and 153, the cart can be configured to accommodate items for a variety of purposes.

### **Claim Rejections - 35 USC 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 4, 7, 30, 111, 122, 123, 133, 134, 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool.

*Claim 2-* The reference to Pool is discussed in detail above and fails to teach the provision of the vertical and horizontal walls as integrally molded. It is old and well known to make an integrated element from plural taught elements for the purpose of reducing manufacturing costs and steps, and in view of Pool teaching the cart as optionally being made from plastic, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the vertical and horizontal walls from a single plastic element for the purpose of reducing manufacturing costs.

*Claims 4, 122-* The reference to Pool fails to teach window portions in the doors. The examiner hereby takes Official Notice that it is very old and well known to make doors with built in windows for the purpose of allowing a user to see through a portion of the door, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide windows in the doors taught by Pool for the purpose of allowing a user to see through at least a portion of the doors. The examiner notes that the taking of Official Notice in the previous action has not been traversed by applicant in the response to that action.

*Claims 7, 111-* The reference to Pool fails to teach a further centered pair of caster wheels. To duplicate or multiply parts to enhance the effectiveness of an

arrangement is not deemed to be beyond the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a further pair of wheels as taught by Pool, in a central location, to provide a more even load distribution.

*Claim 30-* The reference to Pool fails to teach further dispensers for tissue and eye-glass cleaners. In view of the use of the cart to Pool as being directed to medical hygiene, it is not considered to be beyond the skill of the ordinary practitioner to provide dispensers for further cleaning implements, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a dispenser for tissue and glasses cleaners for the purpose of allowing the cleaning of everyday items, such as eyeglasses, often encountered in a hospital space, and to locate such dispensers in positions easily accessed by a user of the cart.

*Claim 36-* The reference to Pool fails to specifically teach the provision of a first aid kit. In view of the use of the cart in a health-care environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a first aid kit on the cart to allow a user to administer first aid from the cart directly.

*Claim 123-* The reference to Pool fails to teach the provision of a stiffening insert in the doors. The provision of stiffeners on structural elements for the purpose of reinforcement is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the doors with a stiffening insert for the purpose of reinforcing them.

*Claims 133, 134-* The reference of Pool fails to specifically teach the use of quick disconnect non-leaking fittings in plumbing the water supply. In view of the modular nature of the cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide quick disconnect fittings with built-in shut offs, for connecting up the water system, for the purpose of allowing maintenance to be quickly performed without the need for special tools.

*Claim 136-* The reference to Pool fails to specifically teach the tanks as being selectively removable, but in view of (1) there being no teaching that the tanks are integrally formed or otherwise permanently attached to the cart and (2) the provision of

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support shelves in the cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the tanks removable to facilitate service and replacement.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Rigo (US 5,820,143). The reference to Pool is discussed above and fails to teach the provision of a flange element with an aperture which accommodates a ground engaging element which may be used to hold the cart in place and support it otherwise. Rigo teaches a cart having casters (48) and plural flanges (bottoms of 54), positioned along one side of the cart, with an aperture therein (figure 4) through which is engaged a threaded fastener which mounts a ground-engaging element (56) which may serve to hold the cart in place on a ground surface, and support the cart on other surfaces. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the flanges and ground engaging elements taught by Rigo to at least one side of the cart of Pool for the purpose of allowing the cart to be held in place on a ground surface, if desired.

7. Claims 8, 9, 37, 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Walker (US 4,625,949). The reference of Pool is discussed above and fails to teach the provision of a lifting provision in the form of an eyelet at the top of the cart, connected to a suspension rod extending through the top and base, and connected to a support member at the base of the shell. Walker teaches a wheeled cart having a lifting element including an eyelet (70) connected to a rod (69) which extends down to the base of the cart, and supports the cart base (43) through a support element (72, 73). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with the lifting provision taught by Walker for the purpose of allowing the cart to be easily machine moved, for example, when desiring to shift the cart from one level to another.

8. Claims 10 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Kos (US 5,833,330). The reference of Pool is discussed above and fails to teach the provision of a transparent sheet on one of the vertical walls, for allowing printed matter to be viewed through the sheet. Kos teaches an assembly with a vertical wall (e.g., 110), which is provided with a transparent sheet (130) for allowing printed matter (145, 150) to be viewed there-through. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a transparent sheet as taught by Kos to a vertical wall of the cart taught by Pool for the purpose of allowing printed matter to be viewed without damaging it.

9. Claims 11, 12, 14, 17, 114, 126 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox (US 5,518,258). The reference of Pool is discussed above and fails to teach the doors as being pivotally mounted to the cart to perform as a table or seat, including folding leg portions, or usable as a free standing table. Cox teaches a portable cart having a wheeled base, and door portions (38, 46, 50) which cover storage portions (20) of the cart, wherein the portions may be deployed so as to be pivoted from the cart (figure 7- 46, 50) or removed from the cart (38, figure 7), including extensible, pivotal legs (e.g., 52, 56), forming slats to the degree claimed, which are attached both to the door portions of the cart and the side portions of the cart (when the door portions are folded), the portions usable as tables or for a seat at a table height. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with the folding portions taught by Cox and usable as a table or seat for the purpose of allowing a greater amount of working space to the user of the cart.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. (US 5,975,660). The reference to Pool is discussed above and fails to teach the doors as having handles positioned thereon. Tisbo teaches a modular storage device including a plurality of removable doors (26, 28) which are provided with handles (see figures 1, 7, 8, 9, 10, etc.). It would have been obvious to one of ordinary

skill in the art at the time of the invention to provide the doors taught by Pool with handles as taught by Tisbo et al. for the purpose of allowing a user to easily grasp and manipulate the door portions.

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox and Insalaco et al. (US 5,605,344). The reference of Pool as modified by Cox is discussed above and fails to teach the door portions as having a further hingedly attached movable portion which may be deployed. Insalaco et al. teach a door structure having a first part (e.g., 58) and a second part (e.g., 60) which parts are foldable with respect to one another. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door structure taught by Pool and modified by Cox as a pair of pivotally connected portions as taught by Insalaco et al. for the purpose of allowing the doors to be folded to a compact configuration when open.

12. Claims 18-20, 38, 115 and 138-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Stein (US 6,296,626, filed 11/1998). The reference of Pool is discussed above and fails to teach an eyewash connected to the cart, receiving water from a water supply, and including a water waste collection, utilizing gravity-feed flow, and being pivotable from a stowed to a deployed condition, with either a frictional device or catch to hold the eyewash in a stowed position. Stein teaches an eyewash apparatus including a gravity feed supply (14), a shell (12/16) and pivotable eyewash mechanism (42) which pivots from a stowed position against the shell (figure 4) to a use position (figure 5), and is maintained in the stowed position absent manipulation from a user by a latch (56, 58) which has a detent and frictional engagement; the eyewash of Stein being provided with an outlet (32) which allows waste wash to be carried away. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with an eyewash station as taught by Stein for the purpose of allowing a user to clear harmful materials from the user's eyes, further it would have been obvious to connect the outlet taught by Stein with the waste water collection



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portion taught by Pool for the purpose of consolidating waste materials generated at the cart.

As regards claims 146, 148, while the reference to Stein fails to teach the eyewash supply as being derived from the supply (claim 146) or the warmed supply (claim 148) taught by Pool, it would have been obvious to one of ordinary skill in the art at the time of the invention to couple the eyewash to the supply taught by Pool for the purpose of allowing both systems to use the same supply.

13. Claims 23, 32-35, 116, 118, 128, 129, 131, 149 and 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Silva (US 4,998,302). The reference of Pool is discussed above and fails to teach a supply system including plural tanks allowing the supply and mixing of heated and unheated water, a light, a warning light, and a connection to an external power source. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, heated by a heating device (56), which may be mixed (19, 29), a connection to an electrical supply (50, 51), an illumination light (55) and warning lights (59, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with plural water supplies and a mixing device as taught by Silva for the purpose of allowing a user to access both hot and cold water, similarly it would have been obvious to provide a connection to an external electrical source for the purpose of charging the battery, and not draining the battery when a fixed current source is available. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with illumination so as to allow a user improved lighting around the cart, and it would have been obvious to provide warning lights to indicate the approach of an undesirable condition in the water supplies. As regards claim 51, the references of Pool and Silva are not limited in the particular nature of the water which may be provided in the supplies.

14. Claims 27, 28 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox (US 6,220,610, filed 5/1999, 5/1998). The

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reference of Pool is discussed above and fails to teach the provision of a drinking water supply and spigot, with a gravity feed. Cox ('610) teaches a wheeled cart which is provided with a gravity feed tank (14) having a spigot (34) for dispensing drinking water. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a gravity feed drinking water supply and spigot as taught by Cox for the purpose of allowing a separate distribution of drinking water from the cart.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox ('610) and Haley (US 6,131,929; filed 6/1998). The references of Pool and Cox ('610) are discussed above and fail to teach a refrigeration unit for cooling the drinking water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a refrigeration device as taught by Haley for the purpose cooling a water supply in the cart of Pool as modified by Cox, for example to facilitate the provision of chilled water. While the reference of Haley fails to specifically teach the location of the refrigeration unit, for the purpose of chilling a water supply, it would have been considered obvious to one of ordinary skill in the art at the time of the invention to locate the unit between a supply of water and the device for dispensing it in order to achieve a desired degree of cooling.

16. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Stein and Silva. The references of Pool and Stein are discussed above and fail to teach the provision of a heated water supply and lights. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, which may be mixed (19, 29), and an illumination light (55). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Stein with plural water supplies and a mixing device as taught by Silva for the purpose of allowing a user to access both hot and cold water. Further, it would have

been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Stein with illumination as taught by Silva so as to allow a user improved lighting around the cart.

17. Claims 117 and 150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Haley. The reference of Pool is discussed above and fails to teach a refrigeration unit for cooling the water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a refrigeration device as taught by Haley for the purpose cooling a water supply in the cart of Pool, for example to facilitate the provision of chilled water.

18. Claim 130 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Silva and Haley. The reference of Pool as modified by Silva is discussed above and fails to teach a refrigeration unit for cooling the drinking water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Silva with a refrigeration device as taught by Haley for the purpose cooling the cool water supply in the cart of Pool as modified by Silva, for example to facilitate the provision of chilled water instead of unheated room temperature water as would be provided by Silva's "cold" water supply.

19. Claim 135 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tagg (US Des. 391,343, cited by applicant). The reference of Pool is discussed above and fails to teach a foot pump for distributing water from the supply. Tagg teaches a cart having a water dispensing apparatus, wherein the distribution of water is powered by a foot pump (see figures 1, 5 ). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a foot

pump option for pumping the water from the supply for the purpose of conserving the energy of the battery source.

### **Response to Comments**

20. Applicant's comments have been carefully considered. As regards the limitations of the recess and the walls in the reference to Pool, please note cart portion 50, which is recessed inwardly of the cart and wall portions from each of walls 42, 44, 46, and 48, to the breadth currently claimed. As regards applicant's characterization of surface 50 as a top of the cart, such a characterization does not preclude a recessed condition, and further applicant is reminded that the cart comprises a separate top working surface, shown at 90, which serves as a top, along with the top faces of elements 30 and 32. Applicant's comments concerning the combination rejections are noted, however in response to applicant's arguments against the reference to Pool individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As regards applicant's comments concerning the quick and easy disconnection of a door connected to a cart with a piano hinge, the examiner notes that applicant has set forth no particular relativity for the terms 'quick and easy' either in the claims or the disclosure, and thus to the breadth of the claims and the disclosure of applicant, the disengagement of a hinge of the type taught by Pool is quick and easy, compared, for example to a integrally molded hinge apparatus. Please note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Applicant's comments concerning the replacement drawings are noted, however no replacement drawings have been received in the Office.

### Conclusion

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



7/20/04